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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,601	09/16/2003	Craig Zadak	502255	3295

53609 7590 07/06/2005

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EXAMINER
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BOSWELL, CHRISTOPHER J

ART UNIT	PAPER NUMBER
3676	

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/663,601	ZADAK ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Christopher Boswell	3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 02 May 2005.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 26-42 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 26-42 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 16 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

The disclosure is objected to because of the following informalities: Reference characters "14" and "16" have both been used to designate both the peg hook security rod and peg hook support bar (see specification paragraph 11, lines 4-5 and 7-8; paragraph 12, line 7; paragraph 20, line 3; and paragraph 21, lines 2-3). The examiner believes the correct association is for the peg hook security rod is reference number 16, and the peg hook support bar is reference number 14.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 26-42 rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 4,155,458 to Moline.

Moline discloses a lock bar merchandise system (figure 1) for selectively securing merchandise to a vertical support, having a lock bar assembly (figure 1) mounted to the vertical support (10), the lock bar assembly including a pair of sides in lateral spaced relations, the sides extending forwardly relative to the vertical support, and a product retainer (14) extending laterally between the sides, and a lock (52) adapted to secure the product retainer, a row of peg

hooks (18) disposed in spaced lateral relation between the sides of the lock bar assembly, each peg hook including a product retainer arm (24) projecting generally forward relative to the vertical support, each product retainer arm adapted to support merchandise, and wherein the lock includes a locked condition (figure 2) in which each product retainer arm is trapped by the product retainer, and an unlocked condition (figure 1) in which each product retainer arm is free of the product retainer for installation or removal of merchandise, as in claim 1.

Moline also discloses product retainer including upper and lower security bars extending in lateral spaced relation with a gap (46) formed therebetween, and wherein a free forward end of the product retainer arm for each peg hook is trapped in the gap in the locked condition (figure 2), as in claim 27, wherein the product retainer is pivoted relative to the sides about a hinge (40) when moved from the locked condition to the unlocked condition, as in claim 28, as well as the lock bar assembly having a peg hook support bar (lower flange of element 16) extending laterally between the sides, the peg hook support bar being spaced rearward of the product retainer proximate the vertical support, and wherein each peg hook includes a mounting bracket (22), the mounting bracket of each peg hook being slidably mounted on the peg hook support bar, as in claim 29.

Moline further discloses the lock bar assembly including a peg hook security rod (upper flange of element 16) extending laterally between the sides, the peg hook security rod extending coextensively with the peg hook support bar along a substantial portion thereof to trap the mounting brackets of different peg hooks on the lock bar assembly and prevent removal therefrom (figure 3), as in claim 30, where the peg hook support bar and the peg hook security rod define a substantially constant gap (figure 3) which traps the mounting brackets, and a larger

entrance (ends of element 16, figure 4) opening which provides means for slidably installing and removing mounting brackets of peg hooks on the peg hook support bar, as in claim 31, as well as each mounting bracket includes a front panel disposed over a front face of the peg hook support bar, and a hook wrapped over a top of the peg hook support bar, the product retainer arm being mounted to the front panel (figures 3 and 4), as in claim 32.

Moline additonally discloses that each side includes a mounting hook (44) securing the lock bar assembly to the vertical support, as in claim 33, wherein the product retainer is capable of displaying a label on the exterior of the product retainer (28, figure 2), as in claim 34, as well as the lock being a keyed mechanism (52) carried by the product retainer, the key mechanism having a movable latch (50) actuated by a key, and wherein the lock includes a stop (26) defined by one of the sides, the latch cooperating with the stop in the locked condition to prevent movement of the product retainer (figure 2), as in claim 35, as well as the product retainer arm of each peg hook defines a upwardly bent free end (figure 1), as in claim 36.

Moline also discloses a lock bar assembly (figure 1) for selectively securing merchandise via peg hooks (18) to a vertical support (10), having a pair of sides (figure 4) disposed in lateral spaced relation, each side having a mounting hook (44) such that each side is adapted to mount to the vertical support, each side extending forwardly from the mounting hook to a front end, a product retainer (14) extending laterally between the respective sides between the respective front ends thereof, the product retainer including upper and lower security bars extending in lateral spaced relation with a gap (46) formed therebetween, a lock (52) having a locked position (figure 2) fixing the product retainer relative to the sides and an unlocked position (figure 1) in

which the product retainer is movable relative to the sides, and a support bar (lower flange of element 16) mounted to each of the sides and extending laterally therebetween rearward of the product retainer, as in claim 37.

Moline further discloses the product retainer is pivoted about an axis (40) generally perpendicular relative to the sides when moved from the locked condition to the unlocked condition, as in claim 38, and where the support bar provides means for slidably retaining a plurality of mounting backs of different peg hooks thereon (column 2, lines 58-62), as in claim 39, and a peg hook security rod (upper flange of element 16) extending laterally between the sides, the peg hook security rod extending coextensively with the peg hook support bar to define a substantially constant gap along a substantial portion thereof (figure 3) which is configured and size to trap mounting brackets when slidably mounted on the support bar, and a larger entrance opening portion which provides means for slidably installing and removing mounting brackets of peg hooks on the support bar (end of the support bar), as in claim 40, wherein the product retainer is capable of displaying a label on the exterior of the product retainer (28, figure 2), as in claim 41, as well as the lock being a keyed mechanism (52) carried by the product retainer, the key mechanism having a movable latch (50) actuated by a key, and wherein the lock includes a stop (26) defined by one of the sides, the latch cooperating with the stop in the locked condition to prevent movement of the product retainer, as in claim 42.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 26-42 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (571) 272-7054. The examiner can normally be reached on 9:00 - 4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3676

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
BRIAN E. GLESSNER  
PRIMARY EXAMINER

CJB   
June 28, 2005